

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

ALFIA YHAN,

Plaintiff,

1:07-cv-63

v.

HOVENSA, L.L.C.,

Defendant.

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ALFIA YHAN and WAYNE S.  
HAWLEY,

Plaintiffs,

1:10-cv-32

v.

HOVENSA, L.L.C.,

Defendant.

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TO: Vincent A. Colianni, II, Esq.  
Andrew C. Simpson, Esq.  
Linda J. Blair, Esq.

ORDER

THIS MATTER is before the Court upon Plaintiffs' Motion For Reconsideration of Order Dated August 30, 2010[,] Granting HOVENSA's Motion to Consolidate (1:07-cv-63, Docket No. 112; 1:10-cv-32, Docket No. 14) and HOVENSA's Motion to Strike Plaintiffs'

Opposition to Defendant's Motion to Consolidate (1:07-cv-63, Docket No. 114; 1:10-cv-32, Docket No. 16).

Having reviewed the matter and upon due consideration thereof, the Court finds that reconsideration of the order granting the motion to consolidate is not warranted. Nothing in Plaintiffs' motion for reconsideration persuades the Court that its previous order requires clarification, modification, or reversal. The Court did not err in finding that consolidation would promote convenience and efficiency by avoiding duplication of time, effort, and resources and that equity and justice would be advanced by sparing Defendant of litigating against the same claims in two separate trials.

With regard to the motion to strike, the Court finds that, as the opposition at issue was filed eleven (11) days after the entry of the order ruling upon the motion to which the opposition responded, said opposition was untimely and improperly filed. Consequently, the Court will grant the motion to strike.

Accordingly, it is now hereby **ORDERED**:

1. Plaintiffs' Motion For Reconsideration of Order Dated August 30, 2010[,]  
Granting HOVENSA's Motion to Consolidate (1:07-cv-63, Docket No. 112;  
1:10-cv-32, Docket No. 14) is **DENIED**.

2. HOVENSA's Motion to Strike Plaintiffs' Opposition to Defendant's Motion to Consolidate (1:07-cv-63, Docket No. 114; 1:10-cv-32, Docket No. 16) is **GRANTED**.

3. Plaintiffs' Opposition to Defendant's Motion to Consolidate (1:07-cv-63, Docket No. 113; 1:10-cv-32, Docket No. 15) is **STRICKEN**.

ENTER:

Dated: October 26, 2010

/s/ George W. Cannon, Jr.

GEORGE W. CANNON, JR.  
U.S. MAGISTRATE JUDGE